

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

**KENNETH D. WIVELL and
TINA M. WIVELL, husband and wife,**

Plaintiff,

v.

WELLS FARGO BANK, N.A., *et al.*,

Defendants.

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Case No. 6:12-cv-3457

**DEFENDANT KOZENY & MCCUBBIN, L.C.'S MOTION FOR LEAVE OF COURT TO
FILE OVERSIZED SUGGESTIONS IN SUPPORT OF ITS MOTION TO DISMISS**

COMES NOW Defendant Kozeny & McCubbin, L.C. ("**Kozeny**"), by and through its undersigned attorneys of record, and pursuant to Local Rule 7.0(f), moves this Court for Leave of Court to file an oversized Suggestions in Support of its Motion to Dismiss Plaintiffs' Complaint. In support hereof, Kozeny states as follows:

1. Local Rule 7.0(f) mandates that Suggestions in Support of Motions be limited to fifteen double-spaced pages, exclusive of facts presented in accordance with Local Rule 56.1.

2. Plaintiffs' Complaint in this case is a nine-count Complaint encompassing 128 numbered paragraphs and over forty pages, including exhibits. Therefore, in order to adequately demonstrate why Plaintiffs' Complaint fails to state a claim upon which relief can be granted against Kozeny, it is necessary that Kozeny's Suggestions in Support of its Motion to Dismiss exceed the 15-page limit by 7 pages.

3. Kozeny therefore requests that this Court grant it leave of Court to file oversized Suggestions in Support of its Motion to Dismiss.

WHEREFORE, Defendant Kozeny & McCubbin, L.C. moves this Court for leave of

Court to file oversized Suggestions in support of its Motion to Dismiss, and for such other relief as the Court deems just and proper.

Respectfully Submitted,

KOZENY & McCUBBIN, L.C.

/s/ Patrick Murphy

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Kozeny & McCubbin, L.C.

Certificate of Service

I hereby certify that on the _____ day of October, 2012, a true and correct copy of the above was electronically filed with the Court using the CM/ECF system, which sent notification to all parties of interest participating in the CM/ECF system:

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